

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TED HAMMON,

Plaintiff,

No. CIV. S-04-0754-DFL-PAN

vs.

JO ANNE B. BARNHART,
Commissioner of Social
Security,

ORDER

Defendant.

This matter is before the court on plaintiff's motion for judgment and defendant's cross-motion for judgment. These motions were referred to the Honorable Peter A. Nowinski, United States Magistrate Judge, pursuant to 28 U.S.C. §§ 636, et seq., and Local Rule 72-302. On May 23, 2005, Judge Nowinski filed findings and recommendation which were served on all parties and objections were to be filed within ten days after service. On June 2, 2005, plaintiff filed timely objections to the findings and

1 recommendation.

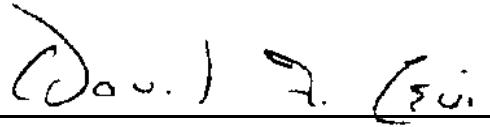
2 The court has reviewed the file and finds the findings
3 and recommendation to be supported by the record and by the
4 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED
5 that:

6 1. The Findings and Recommendation filed May 23, 2005,
7 are adopted in full;

8 2. Plaintiff's motion for summary judgment or remand is
9 denied; and

10 3. Defendant's cross-motion for summary judgment is
11 granted.

12 DATED: 8/22/2005

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15 DAVID F. LEVI
16 United States District Judge

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